

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DAVID AGUILERA PEREZ,
Plaintiff

vs.

Civil Action No.

BLUE SEAS VENTURES, LLC
Defendant

PLAINTIFF'S COMPLAINT

Parties and Jurisdiction

1. The Plaintiff, David Aguilera Perez, is a resident of the City of New Bedford, within the Commonwealth of Massachusetts.
2. The Defendant, Blue Seas Ventures, LLC., is a foreign corporation, organized under the laws of the State of Connecticut and having a principal place of business at 19 Ned's Point Road, in the Town of Mattapoisett, in the Commonwealth of Massachusetts.
3. On or about September 23, 2016, the plaintiff was employed as a seaman, and member of the crew of the F/V BRITTANY ERYN
4. This Court has subject matter jurisdiction over this matter pursuant to The Merchant Marine Act of 1920, commonly called the Jones Act, 46 U.S.C., §688 et seq.

5. This Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. §1331 and 28 U.S.C. §1333.

COUNT I

Jones Act Negligence

6. The Plaintiff re-alleges all the facts set forth in paragraphs 1 through 5 above.
7. On or about September 23, 2016, while in the performance of his duties in the service of the F/V BRITTANY ERYN, the Plaintiff was caused to go overboard as a result of his leg being wrapped in and line and sustained severe personal injuries.
8. At all times relevant hereto, the Plaintiff was exercising due care for his own safety and well-being.
9. The Plaintiff's injuries were caused by the negligence of the defendant.
10. The Plaintiff's injuries were caused by the defendant's failure to use and maintain a safe and proper place in which to work.
11. The Plaintiff's injuries were caused in whole or in part by the negligence of the defendant, its officers, agents or employees in that they failed to use reasonable care to provide safe and sufficient machinery, appliances, appurtenances and equipment.
12. The Plaintiff's injuries were caused by the negligence of the defendant in other respects as may appear at the trial.
13. As a result of the foregoing, Plaintiff suffered pain and mental anguish, incurred medical expenses, lost time from his usual work, and has sustained and will sustain other damages as will be shown at trial.

WHEREFORE, the Plaintiff, David Aguilera Perez, demands judgment against Defendant, Blue Seas Ventures, LLC., in a fair, just and reasonable amount as this Honorable Court shall deem just and proper.

COUNT II

General Maritime Law - Unseaworthiness

14. The Plaintiff re-alleges all the facts set forth in paragraphs 1 through 13 above.
15. The Plaintiff's injuries were caused by reason of failure of the defendant to provide and maintain a seaworthy vessel and/or proper and suitable appliances and equipment. This cause of action herein set forth is known as unseaworthiness under the General Maritime Law.
16. As a result of the foregoing, Plaintiff suffered pain and mental anguish, incurred medical expenses, lost a long time from his usual work and will continue to suffer pain and mental anguish, incur medical expenses and lose time from his usual work, all to his damage.

WHEREFORE, the Plaintiff, David Aguilera Perez, demands judgment against Defendant, Blue Seas Ventures, LLC., in a fair, just and reasonable amount as this Honorable Court shall deem just and proper.

COUNT III

General Maritime Law – Maintenance and Cure

17. The plaintiff re-alleges all the facts set forth in paragraphs 1 through 16 herein and in addition thereto respectfully alleges:

18. The plaintiff was injured while in the performance of his duties aboard the said vessels, and the plaintiff under the General Maritime Law is therefore entitled to maintenance and cure.
19. The plaintiff was injured while in the performance of his duties aboard the said vessels, and the plaintiff under the General Maritime Law is therefore entitled to maintenance and cure for a reasonable period of his disability.

WHEREFORE, the Plaintiff, David Aguilera Perez, demands judgment against Defendant, Blue Seas Ventures, LLC., in a fair, just and reasonable amount as this Honorable Court shall deem just and proper.

PLAINTIFF REQUESTS TRIAL BY JURY

Respectfully submitted,

DAVID AGUILERA PEREZ

By his Attorneys,

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